
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

AUNDREA S. BROOKS,

Plaintiff,

v.

GENESIS PROJECT and UNITED
STATES OF AMERICA,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:19-cv-00643-RJS-DAO

Chief District Judge Robert J. Shelby

Magistrate Judge Daphne A. Oberg

Pro se Plaintiff Aundrea S. Brooks, proceeding *in forma pauperis*, filed this action against Defendants Genesis Project and the United States of America, seeking relief under 42 U.S.C. § 1983 for alleged civil rights violations and various forms of persecution.¹ This case was referred to Magistrate Judge Daphne A. Oberg pursuant to 28 U.S.C. § 636(b)(1)(B).²

On June 16, 2020, Judge Oberg held a hearing to address deficiencies in Brooks' Complaint, but she did not appear.³ After discussing the applicable caselaw and summarizing the allegations in Brooks' Complaint, Judge Oberg issued a Report and Recommendation (the Report) recommending the Complaint be dismissed because the allegations are frivolous and fail to state a claim for relief.⁴

Neither party has objected to the Report, though Judge Oberg's Report explains Brooks had fourteen days to file an objection, and failure to timely object may constitute waiver of

¹ Dkt. 4 (Complaint).

² Dkt. 6; *see also* Dkt. 13 (affirming referral after case reassignment).

³ Dkt. 10.

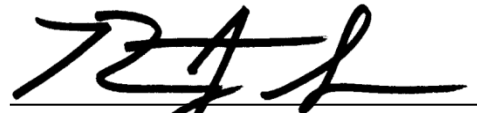
⁴ Dkt. 14 (Report and Recommendation).

objections upon later review.⁵ Likewise, Federal Rule of Civil Procedure 72(b)(2) allows parties to file “specific written objections to the proposed findings and recommendations” within fourteen days after being served with a copy of the recommended disposition. When no objections are filed, the Supreme Court has suggested no further review by the district court is required, but neither is it precluded.⁶

This court therefore reviews for clear error any report and recommendation to which no objections have been raised.⁷ And having carefully considered the Report, the court finds no clear error. Thus, the court ADOPTS the Report in full. For the reasons set forth in the Report, Brooks’ Complaint⁸ is DISMISSED without prejudice. The Clerk of Court is directed to close this case.

SO ORDERED this 11th day of May 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'R. J. Shelby', is written over a horizontal line.

ROBERT J. SHELBY
United States Chief District Judge

⁵ Dkt. 14 (Report and Recommendation) at 5.

⁶ See *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“The [Federal Magistrate’s Act] does not on its face require any review at all, by either the district court or the court of appeals, of any issue that is not the subject of an objection.”).

⁷ See, e.g., *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999) (“If no objection or only partial objection is made [to a magistrate judge’s report and recommendation], the district court judge reviews those unobjected portions for clear error.”) (citations omitted); see also Fed. R. Civ. P. 72(b) Advisory Committee’s note to 1983 amendment (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citing *Campbell v. U.S. Dist. Court for N. Dist. of Cal.*, 501 F.2d 196, 206 (9th Cir. 1974), cert. denied, 419 U.S. 879).

⁸ Dkt. 4 (Complaint).